

REMARKS

Applicant has concurrently submitted an Information Disclosure Statement identifying United States patent application Publication No. 2002/0069872 under the proper section in accordance with the Examiner's suggestion. As the Information Disclosure Statement was timely submitted, Applicant submits that no fee is due for consideration.

Applicant has deleted claims 58-67, and presented new claims 68-90 which more clearly define the present invention. Applicant submits that support for these new claims is provided in paragraphs 0110 – 0111, 0113 – 0119 and Figures 9C and 9D of the application as published (page 15, lines 18 to line 12, page 16 and page 16 line 28 to line 17, page 18 of the application).

The prior claims were rejected under 35 U.S.C. §102(b) or §103 as allegedly being anticipated by/unpatentable over United States Patent No. 2,521,084 to Oberto, United States Patent No. 4,440,165 to Holzel, United States Patent No. 1,445,010 to Feinberg and United States Patent No. 6,112,746 to Kwok. The cited prior art does not disclose an elbow connector used in conjunction with an oral flap providing gases to a patient's mouth and nasal cannula sealing in each nare of the patient while delivering gases to the patient's nares. Therefore, Applicant submits that claims 68-90 are not anticipated and are not rendered obvious by the cited prior art. Entry, consideration and allowance is requested.

A Petition for a One-Month Extension of Time to extend the date for response up to and including October 16, 2008 is submitted concurrently with this Amendment.

Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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By:

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